



Mr. Riesel

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# Attacking the Lie Detector

By VICTOR RIESEL

WASHINGTON D.C. — A new and bitter offensive which will crackle through the headlines will be launched by labor against the use of polygraphs—lie detectors—by any government agency or by industry, regardless of the reason.

With this drive will be coupled a campaign to wipe out the use of closed circuit television, implant communications, computer analyses, and other electronic wizardries used to check on personnel.

But the primary target is the lie detector. Labor leaders feel so strongly about it they object to its use even by the FBI and CIA in security and anti-crime activity.

This is a sharp shift in militancy on this front. Several months ago the AFL-CIO leaders attacked the lie detector only on the commercial and industrial front. But in recent weeks labor's high command has decided to push for the wiping out of polygraph use anywhere in the U.S.

The union chiefs could not have put it more strongly when they appointed two of their group to head the campaign—the machinists chief, Al J. Hayes, whose union has vast jurisdiction over defense and such space projects as the two-man Gemini space shot; and James Suffridge, head of the Retail Clerks International Assn. The latter often is spoken of by insiders as the next AFL-CIO president.

"Police state surveillance of the lives of individual citizens," is labor's description of the lie detector.

There are 1,500 polygraph companies in the country doing a business of more than a billion dollars. The government does a fairly large polygraph business itself.

At the latest count, the U.S. agencies—not including the secretive CIA—give about 24,000 polygraph tests a year. The FBI, though its specialists are the most experienced, does not use the lie detector on its personnel. It restricts the polygraph to security and crime work. Central Intelligence, however, gives all its prospective employees a polygraph test.

In addition to the CIA, 24 U.S. bureaus and agencies own and use the lie detector equipment. The government owns some 600 polygraphs in addition to what the CIA has. There actually are almost 700 authorized polygraph operators working for the government full time.

The first to be antagonized by this was the AFL-CIO government workers' unions. When the figures were made known to the national AFL-CIO chiefs they were appalled and decided to appoint the two-man subcommittee to launch the national offensive.

During a recent meeting of national labor chiefs it was decided to ask President Johnson for an immediate decree ordering the discontinuance of all federal lie detector use.

If this move fails, the labor chiefs will go to Congress.

Paralleling this will be labor's drive in private industry. The lie detectors are most heavily used by the steel industry, copper refining, auto manufacturing, meat packing, food processing, oil, electronics, mail order retailing and supermarkets.

To hit the "private sector" of the lie detectors, the national labor leaders have directed their regional people to fight for state and city laws banning the polygraph. Its use already is banned in Alaska, Oregon, Massachusetts, Rhode Island and California.

In the last state the law says: "No employer shall demand or require any applicant for employment or prospective employment or any employee to submit to take a polygraph, lie detector, or similar test or examination as a condition of employment or continued employment. The prohibition of this section does not apply to the federal government or any agency or local subdivision thereof . . ."

The labor men, of course, want the ban to be all-inclusive. If they can't get it through the legislatures, they will fight to get it into labor contracts. And they'll surely get into a battle.

The opposition is saying there is a sharp line between the detection of dishonesty and the invasion of privacy.

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flict, and the people of South Vietnam appreciate the growing desire of our citizens to help. The patriotic and humane efforts of individuals and groups, such as Mr. Ustjanauskas' committee and the Virginia Jaycees, are meaningful, tangible contributions to the fight for freedom in southeast Asia.

It is a great source of pride to me that the citizens of Connecticut have demonstrated in this way their concern for the needs of others.

I would commend and encourage the initiative and good will of all those throughout the Nation who have taken part in these voluntary assistance programs. Obviously, this could have a very real and important effect on the outcome of the present struggle.

# SENATOR YARBOROUGH'S TESTIMONY ON THE COLD WAR VETERANS' READJUSTMENT ASSISTANCE ACT

Mr. RANDOLPH. Mr. President, we are keenly aware of the persevering and conscientious efforts and the leadership manifested by the distinguished Senator from Texas in advancing the Cold War Veterans' Readjustment Assistance Act, commonly known as the cold war GI bill. His continuing efforts, for many years on behalf of this vital measure and his expert floor management in moving this legislation to passage in the Senate last month have elicited the admiration and thanks of the Members of this body. The Senator from Texas has been the leading spokesman for the cold war veterans, who will number almost 6 million by 1970, according to estimates by the Veterans' Administration. His dedication to their cause is unparalleled. It was my privilege to join this esteemed gentleman in support of S. 9, first as lead-off witness in the committee hearings of the Senate Veterans' Affairs Subcommittee and then in the floor debate prior to Senate approval.

Today, the Senator from Texas continued his spirited endeavors to secure the enactment of S. 9. He was the opening witness in hearings being conducted by the Veterans' Affairs Committee of the House of Representatives. The Senator from Texas again cogently pointed out that this legislation provides an opportunity for our citizens to demonstrate that the extreme and unique personal sacrifices of the cold war veterans are recognized; that this is not a bonus bill, rather it is a readjustment bill; and that our Nation can ill afford to lose the talents and abilities of these veterans.

Mr. President, I again commend the Senator from Texas and I ask unanimous consent that his remarks in support of the Cold War Veterans' Readjustment Assistance Act be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RALPH YARBOROUGH BEFORE THE HOUSE VETERANS' AFFAIRS COMMITTEE IN SUPPORT OF S. 9, THE COLD WAR GI BILL

Chairman TEAGUE, and members of the Veterans' Affairs Committee, I am honored by the privilege afforded me by so able and

testimony today on the cold war GI bill, S. 9, here from the Senate, and at least 39 House bills, including those by the distinguished chairman of this committee, the Honorable OLIN TEAGUE of Texas.

And I pay tribute to the chairman of this committee for his sponsorship of the Korean conflict GI bill, under which more than 2 million veterans received a part of their education. The Korean conflict GI bill, authored by Chairman TEAGUE, made history in America, because it was the first GI educational bill for a cold war period, called by opponents of GI education, a bill for "peacetime GI's." The Korean conflict bill ran right on past the end of the fighting in Korea in July 1953, and the armistice of October 1953, until it was terminated by Presidential Proclamation on January 31, 1955. A serviceman who entered service for the first time on January 31, 1955 was eligible for Korean conflict benefits when he came out of service 2, 3, or 4 years later.

S. 9, the bill that passed the Senate July 17, 1965 by an overwhelming vote of 69 to 17, would begin eligibility for GI benefits on February 1, 1955, where the Korean conflict bill left off, and would extend them to July 1, 1967, the end of the present draft. As a cold war bill, it follows the solid experience of Chairman TEAGUE's bill, proven in cold war periods of 1953, 1954, and January 1955, to be beneficial to the veterans, to the armed services, to our economy, and to the Nation.

S. 9 is very similar to the Korean conflict GI bill in that it provides 1½ days of schooling for each day of active duty, but not to exceed 36 months of schooling the maximum. It is more restricting than the World War II and Korean conflict bills, which required at least 90 days of service as a prerequisite to eligibility, because this cold war bill requires more than 180 days of service, and 6 months men are not eligible.

If discharged for a service-connected disability before the 180 days were up, a veteran would be eligible for schooling.

During educational training, a veteran would receive, for full-time college training, monthly allowances as follows: with no dependents, \$110 per month; with one dependent, \$135 per month; with more than one dependent, \$160 per month.

These figures are identical with the allowances under the Korean GI bill, but the cost of college tuition has doubled since 1952, and other living costs have so far advanced that \$72 in 1952 would buy as much as \$100 buys now for a college student; so, in purchasing power, we are actually not granting these cold war veterans anything like as generous benefits as were granted the veterans of World War II or the Korean conflict.

This bill is a veterans' readjustment bill, not a bonus bill. There is no mustering out pay, as was contained in the World War II GI bill. This bill is solely to aid readjustment to civilian life by the 40 percent of our young men who now do military service, to give them a chance to try to catch up with the 60 percent of the young men who are not required to serve, and who, on the average, have a 28-month headstart over those in military service who defend liberty for all of us.

The provisions of S. 9 are similar to cold war GI bills introduced during the last three Congresses. In the 86th Congress, the cold war GI bill (S. 1138) passed the Senate by a vote of 57 to 31, the bill of the 87th Congress (S. 349), as well as the cold war GI bill of the 88th Congress (S. 5), was favorably reported by the Labor and Public Welfare Committee in the Senate. This year, the Senate, cognizant of the overwhelming support for the bill by both military and civilian elements of the Nation, passed the GI education bill (S. 9) without substantive amendment by a vote of 69 to 17. This pro-

public support, and its public far greater today than it has ever been before. Each year a large number of our vigorous American youth enter military service to give from 2 to 4, or more, years of their lives to the defense of their country. They do so, and this country needs them to do so, because foreign powers continue to threaten the security of this Nation and of the free world. So long as there is a violent Vietnam, a Berlin crisis callup, or an island threat from Cuba, our American youth will be required to serve their Nation in hot military spots as well as in the Arctic wastes and the Libyan Desert.

S. 9 provides an opportunity to demonstrate that we, as a Nation, do recognize the extreme, unique personal sacrifices exacted from our cold war veterans by their military service. Let me point out that this bill is not conceived as a reward or as an inducement for our young men to serve their country. For those who would reduce the purpose of this bill to these concepts, I can only retort that I conceive the level of patriotism in our country to be of a higher quality. I do not believe that we need reduce our defense effort to gimmicks or rewards to induce our young men to defend our country. Service to one's country should be and presently is based on a moral obligation to defend the principles by which we live.

I do not wish this bill to be confused with the thoughts of those who would hold this educational opportunity out as a reward to those who undergo specially hazardous duty for their country. I mention this because I do not believe that there is any room in our American philosophy for the demand that our youth earn educational opportunities by risking their lives. We often speak of the United States as the Nation of opportunity, a place where anyone is offered an opportunity in life to aspire to his highest ambitions. There is no place in our heritage for the idea that educational opportunity must be earned by placing one's life at stake.

The basis of the philosophy behind S. 9 is that everyone in this country should have the opportunity of pursuit of happiness without being penalized unfairly for securing the safety of the rest of us. This is the idea that in the name of justice, one will not be discriminated against unfairly in seeking fulfillment of life. Yet, this is just what is happening to our cold war GI's at the present time.

Only 40 percent of our draft-eligible young men ever serve their country in uniform. While these men are sacrificing 2 to 4 years of their lives just at their crucial age of peak development, the 60 percent of their counterparts are utilizing this time to further their careers and develop their futures. It is just these admirable young men who are serving their country who are the least able to afford the time which is sacrificed from their future development. These are the men who are least able to afford an education, who are least prepared for a civilian occupation, and who have to struggle the hardest to survive the competition for the future. The injustice is magnified, for we take the very men who must struggle the hardest to get ahead in life and set them 2 to 4 years behind in their competitive position, just because they are the 40 percent who do the admirable thing in serving their country.

The real problem occurs when our cold war veterans return to civilian life. After being removed for 2 to 4 years from the mainstream of competition, they return to civilian life just as they left—unskilled, uneducated, and largely unemployable. Last year unemployment compensation for veterans increased \$2 million—to over \$86 million—money which could have reaped benefits if used for the training of these veterans. Here is the place where the cold war veterans need help. He does not need a reward—

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what he needs is a chance. Whatever his military experience, hazardous or not, there is a need for readjustment assistance to help the cold war veteran get his ship of success back into the mainstream of opportunity.

Mr. Chairman, I ask that a brief statement entitled "The 'Hot Spot' Approach Creates Grave Foreign Policy Problems and Has No Relevance to the Need Which S. 9 Is Designed To Meet" be printed at this point in the Record.

"The 'hot spot' approach would present grave difficulties as far as our foreign policy is concerned. This kind of bill requires that 'areas of hostilities' or 'combat areas' be designated. Thus, at a time when we are trying to reach an accord with the Communist world, the President would be required to give emphasis to our conflicts with the Communists by designating certain zones as 'areas of hostilities.' This could only serve to aggravate our difficulties in international relations, and make the United States appear hostile in the eyes of others.

"The purpose of S. 9 is to provide readjustment assistance to veterans who are coming back to civilian life. The need for readjustment assistance has no relation to whether a serviceman has been in an area of hostilities. He is just as much in need of readjustment assistance whether he has been in Vietnam or not. It is unclear why a serviceman must be shot at before he is deemed to be in need of readjustment assistance. Why must we say to our servicemen that you must place your body on the firing line before you are deemed worthy of being educated?

"The World War II and Korean GI bills were both intended as readjustment assistance. They applied to every person who served, regardless of whether he saw combat or not. For instance, the congressional intent in the Korean GI bill is stated as being for the purpose of 'providing vocational readjustment and restoring lost educational opportunities to those men and women whose educational or vocational ambitions have been interrupted or impeded.' . . . The purpose of the cold war GI bill is the same.

"Figures provided by the Department of Defense indicate that during World War II (December 7, 1941, to December 31, 1946) of the 8,113,000 male personnel in the U.S. Army, 25 percent never served overseas; of the 4,183,000 personnel who served in the Navy, 13 percent never served overseas; of the 589,693 personnel in the Marine Corps, 26 percent never served overseas. These same figures show that during the period of the Korean conflict (June 25, 1950, to July 27, 1953), of the 2,834,000 personnel in the Army, 84 percent never served overseas; of the 1,177,000 personnel who served in the Navy, 72 percent served elsewhere than in the Far Eastern theater; of the 424,000 personnel who served in the Marine Corps, 61 percent never served overseas; and of the 1,284,977 personnel who served in the Air Force, 61 percent never served overseas. These personnel who never saw the glimmer of the far-off shore and never heard the sound of hostile cannons rumbling in the distance received the needed educational benefits of the GI bill, and rightly so. Their contribution to the culture and economic growth of this Nation has been immeasurable.

"The Veterans' Administration estimate that of the 8,700,000 persons who have served in the Armed Forces since January 1955 (the post-Korean period), 42 percent either served overseas for less than 90 days or never served overseas at all. The educational progress and opportunity of this sizable group of persons has been impaired in just as serious and damaging a fashion as if they had served on distant shores. Their educational needs are no less than those of their comrades who served abroad.

"Each serviceman is a part of the entire Defense Establishment. Each is necessary to the defense of the free world. One man serves in this country, or in the Middle

East—so that another can serve in Vietnam, and so that the majority of us can remain at home and get a lead in life over those who are protecting us.

"Servicemen stationed in areas of hostilities should receive extra benefits, and indeed they do so. They receive extra pay of \$50 a month. They pay no income tax. We should be doing still more; Senate bill 2167, which would provide special indemnity insurance to soldiers serving in combat areas, should be enacted immediately. But the way to provide benefits to soldiers serving in combat zones is not to provide benefits only to them which should go to all servicemen currently being discharged."

"It is not for the veteran alone that this assistance is needed. Our Nation can ill afford to lose the talents and ability of over 5 million cold war veterans by 1970. Our Nation needs them, and they need the interest of the Nation in their future. This is the purpose of S. 9: to do everything we can to rectify the injustice dealt these veterans, and to afford educational opportunity to every American indiscriminately.

"S. 9 provides these young people with 1½ days of educational assistance for each day of service, not to exceed 36 months of schooling. This aid would be in the form of a monthly cash allowance to the veteran, who selects his own school and pays his tuition and maintenance expense from the allowance. A single veteran would receive \$110 monthly. A married veteran with two children would receive a maximum of \$165 a month. The bill also provides home and farm loan assistance of a type which calls for a loan fee that will be set aside to pay for any losses under the program. Only those persons who perform 180 days or more of military service and who are discharged honorably would be eligible for these benefits.

This is not a bonus or a pension plan; it is a readjustment plan to train a veteran to become self-sufficient and thus avoid the necessity of a bonus or a pension. It is a way to give these young veterans an opportunity to return to civilian life, get a job, and to realize their educational objectives at the most formative time of their lives.

By far the most farsighted veterans' program in our history was the original World War II GI bill of 1944, which accomplished just these objectives. Through this bill and the later Korean conflict GI bill, almost 11 million veterans received training which elevated them into productive employment and additional income. The total cost of this program to the U.S. Government amounted to \$19 billion. On this basis it is estimated that the trained and educated veterans paid additional income taxes in excess of \$1 billion a year.

"The GI bill provisions for education covered a period of 20 years; the estimate of \$1 billion annually in added taxes totals a \$20 billion return in taxes alone on the \$19 billion cost of the program. The cold war GI bill will also be self-liquidating.

Beside from the monetary advantages of this investment, the GI bills have injected hundreds of thousands of trained scientists, doctors, engineers, teachers, and other professional personnel into our economy. Through these bills, veterans were able to escape the problems of readjustment now plaguing cold war veterans, and this is just what this bill will provide for the cold war veterans.

"The cold war GI bill does more than redress inequities and provide opportunities. In addition, it will help build an educational fortress which in the long run, will be of more value in defending our freedom than all the armaments in existence. The contributions which can be made by these educationally readjusted veterans is incalculable, especially in light of our still desperate need for more teachers, more engineers, and more

The documentation of need for and values accruing from this bill could go on without end. However, the most important basis for this bill is the need to provide our young veterans with an opportunity to readjust to civilian life so that military service will not have the effect of creating a lifetime burden for the 40 percent of our eligible men who defend their country.

This is not a halfway proposal to reward only those who see hazardous duty, or some other select group of servicemen—for educational opportunity cannot be used to salve our conscience for sending men to war. Rather this is the recognition that there is a segment of our population that suffers from lack of opportunity—the entire cold war veteran population. Their need is not based on the type of military duty they performed, but on the lack of opportunity to readjust back to civilian life after having been removed for 3 to 4 years.

Four hundred years before the birth of Christ a very wise man proclaimed that he who neglects learning "loses the past and is dead for the future." Let us not neglect the vast intellectual resource which lies within the cold war veterans. Let us pay heed to the past and indicate our regard for the future by prompt enactment of the cold war GI education bill.

This Nation can ill afford to lose the talents and ability of those more than 5 million cold war veterans who will have served their country by 1967. If America is to remain the citadel of liberty and progress in a world of rapid change and violent competition, an educated citizenry is a mandatory requirement. The cold war GI education bill offers a just educational opportunity to the most deserving and capable group of young Americans—an opportunity to continue a lifetime of service to their country not as a monetary and cultural liability but as an economic and intellectual asset. If human history is in fact "a race between education and catastrophe" enactment of this bill will surely assist in securing victory for the enlightened intellect and in the long run for the whole community of civilized men and women.

# **BIG BROTHER: ELECTRONIC INVASIONS OF PRIVACY**

Mr. LONG of Missouri, Mr. President, the 27th annual convention of the Communications Workers of America was held in Kansas City June 21-25, 1965. At this convention, the CWA passed a very strong resolution opposing the use of lie detectors in industry and to limit the use of eavesdropping equipment on employees. The resolution further pledges:

To seek legislation licensing the manufacture, regulating the distribution, and outlawing the indiscriminate use of all types of eavesdropping and wiretapping equipment.

The support of this fine union will be crucial when we get to the stage of legislation on this subject. At this time, I ask unanimous consent to have the resolution printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

## **RESOLUTION 27A-65-17 ELECTRONIC INVASIONS OF PRIVACY**

We live in an era in which individual rights of privacy are under steadily increasing attack. Not only are government agencies and private industry stepping up their efforts

to pry into the private lives of individual citizens and workers, but the methods used are becoming more sophisticated and subtle.

The use of personality tests is now supplemented by lie detectors. Old-fashioned window peeping can now be conducted over great distances in total secrecy by using laser beams that can cut through walls and transmit sound and pictures of everything taking place in a closed room. The equally old-fashioned custom of listening in on someone else's telephone conversation on a party line can now be conducted through sensitive and easily hidden wiretaps.

Easily obtainable transistorized listening and recording devices can be hidden in a desk calendar, in a rose or even in an olive in a martini glass.

Recent congressional investigations have uncovered a wide range of deplorable eavesdropping practices carried out by industry and Government. As workers in the communications industry, we, the members of the Communications Workers of America, are particularly aware of the technical possibilities of various types of electronic eavesdropping and monitoring equipment.

While such equipment may have a place in such limited areas as national security, when used by authorized Federal law enforcement officers acting under strict court imposed safeguards, their widespread use in industry and government creates a clear and present danger to the privacy, personal dignity and

freedom of every American: Now, therefore, be it

*Resolved*, That this 1965 convention of the Communications Workers of America opposes the use of lie detectors in industry, whether in the hiring or in any investigation of employees or other employer-employee relation. We pledge to seek legislation on the local, State, and Federal level to outlaw the use of lie detectors in personnel matters: Be it further

*Resolved*, To seek legislation to limit the use of eavesdropping equipment within any industry on their employees while they are performing their respective jobs.

We further pledge to seek legislation licensing the manufacture, regulating the distribution, and outlawing the indiscriminate use of all types of eavesdropping and wiretapping equipment. The skillful invasions of privacy being conducted by snoopers of all types and descriptions must be brought to an end if freedom and democracy are to survive.

### FARM INCOME IN THE STATE OF MONTANA

Mr. METCALF. Mr. President, I have just reviewed disturbing data on farm income in the State of Montana. I have gone over farm income and expense returns compiled by 99 Montana farmers for 1964. More than half of these farm

operators reported less than \$3,000 net income in 1964.

Not only small farmers, with only a few hundred acres, made less than \$3,000. A number of the farm operators in this category had several thousand acres.

Seventeen of the farm operators did not break even. They went in the hole.

The data on Montana farm income was furnished by the operators to the Montana Farmers Union. It solicited from its members information on 1964 farm income and expenses as reported to Internal Revenue Service on Schedule F. The data on each farm operator includes his gain—or loss—co-op refunds and agricultural payments, gas tax refunds, gross income, the number of acres in his farm unit, his investment and the county in which he is located.

It is pertinent to note that, had it not been for co-op refunds and agricultural program payments, most of the farmers would have been much worse off.

Mr. President, I ask unanimous consent to insert in the body of the Record a summary of the farm income and expenses of the 99 Montana farm operators.

There being no objection, the table was ordered to be printed in the Record, as follows:

SCHEDULE F.—Farm income and expenses, 1964

County	Gain or (loss)	Co-op refunds and agriculture payments	Gas tax refunds	Gross income	Acres	Investment	County	Gain or (loss)	Co-op refunds and agriculture payments	Gas tax refunds	Gross income	Acres	Investment
Gallatin	(\$25, 115.62)			\$47, 441.36	1, 232	\$1, 342, 600	Lake	\$2, 676.48	\$414.21		\$17, 199.75	320	\$107, 420
Judith Basin	(12, 508.21)	\$1, 628.59	\$270.60	9, 359.75	3, 000	250, 000	Forgus	2, 700.38	1, 109.12		8, 169.14	3, 000	181, 000
Yellowstone	(2, 690.00)	80.00	192.00	1, 764.00	732	10, 800	Choteau	2, 722.08	2, 632.15	\$138.00	9, 197.41	642	108, 000
Choteau	(2, 475.01)	1, 160.86	144.60	2, 555.11	4, 500	260, 000	Golden Valley	2, 742.26	658.74	51.80	6, 842.44	2, 860	36, 000
Teton	(1, 964.71)	993.86	127.78	3, 214.67	150	77, 000	Phillips	2, 759.48	709.76	182.60	7, 769.53	365	10, 300
Carbon	(1, 813.42)	766.50	248.04	16, 203.78	460	101, 750	Pondera	2, 842.06	404.56		15, 488.76	700	40, 000
Fergus	(1, 708.18)	454.41		3, 301.82	1, 300	114, 000	Hill	3, 061.01	4, 212.10		11, 912.47	1, 350	127, 200
Liberty	(1, 408.87)	5, 223.13	30.12	6, 039.64	1, 400	150, 000	Phillips	3, 167.41	769.77		7, 737.02	1, 520	59, 200
Yellowstone	(1, 374.10)	536.74	145.76	4, 440.21	1, 067	54, 385	Richland	3, 319.00	1, 438.00	201.00	11, 298.00	170	35, 600
Petroleum	(1, 210.67)	1, 030.92		8, 286.88	600	75, 400	Jefferson	3, 348.85	1, 866.09		6, 378.24	500	42, 400
Lewis and Clark	(932.59)		90.24	3, 897.77	71	12, 000	Stillwater	3, 710.75	3, 605.21	283.89	19, 908.44	2, 300	82, 250
Cascade	(835.00)	1, 950.00		7, 900.00	400	95, 000	Flathead	3, 726.61	809.80		6, 372.86	347	103, 500
Madison	(528.00)	740.00		7, 808.00	800	65, 000	Park	3, 743.06	1, 704.01		8, 710.39	740	14, 000
Sheridan	(342.46)	169.09		631.43	237	25, 500	Blaine	3, 746.00	4, 590.00		21, 935.00	2, 762	109, 879
Flithead	(182.69)	644.41		1, 260.79	420	25, 300	Powder River	3, 768.31			14, 154.00	3, 020	100, 640
Toole	(121.11)	5, 170.57	56.00	16, 029.87	2, 700	302, 500	Liberty	3, 893.08	2, 352.00	172.00	6, 496.94	1, 604	91, 464
Flathead	(26.18)	3, 702.76	52.04	4, 880.77	480		Pondera	3, 920.28	1, 960.00	120.00	6, 938.82	720	12, 600
Gallatin	111.66	3, 693.88	67.24	1, 735.12	320		Liberty	4, 122.41	38.29		6, 489.13	1, 637	147, 000
Flathead	159.47	438.84	111.24	8, 426.16	249	71, 000	Toole	4, 133.95	6, 398.30		11, 816.35	1, 050	147, 000
Cascade	195.75	4, 915.01	97.74	17, 868.94	1, 059	290, 000	Jefferson	4, 266.74	1, 976.52	113.26	8, 311.81	1, 280	59, 500
Sheridan	265.00	951.00		3, 980.00	640	10, 150	Golden Valley	4, 322.00	389.00	143.00	11, 529.00	198	92, 000
McCone	603.62	1, 563.00	145.00	5, 600.00	1, 500	31, 500	Flathead	4, 475.33	4, 006.43		11, 296.02	500	69, 620
Mineral	617.00	499.00	321.00	7, 423.00	100	127, 400	Lewis and Clark	4, 815.56	532.52		9, 382.10	175	60, 500
Flathead	652.22	1, 070.38		5, 651.82	175	100, 000	Golden Valley	4, 834.14	1, 121.81		16, 179.65	1, 106	103, 533
Madison	659.48	1, 218.90	247.20	6, 523.06	320	51, 000	Golden Valley	4, 907.38	1, 428.84		10, 846.47	796	68, 218
Richland	757.00	438.84	150.91	6, 426.81	160	12, 400	Roosevelt	5, 409.65	1, 943.96		10, 127.53	780	75, 400
Fergus	842.02	631.38		3, 916.61	80	42, 800	Toole	5, 412.39	5, 030.21		17, 433.44	2, 080	83, 700
Phillips	1, 008.00	685.00	149.00	3, 059.00	530	23, 200	Fergus	5, 434.38	897.25		22, 424.74	1, 600	275, 000
Wheatland	1, 040.56			6, 480.39	1, 360	51, 000	Roosevelt	5, 519.50	268.80		15, 764.62	924	4, 000
Gallatin	1, 088.64	2, 285.48	242.98	30, 938.23	560	34, 300	Hill	5, 885.98	225.16	120.60	12, 536.94	1, 321	147, 000
Toole	1, 139.59	145.98		6, 488.25	460	76, 500	Gallatin	5, 829.89	3, 164.40	133.00	13, 347.00	1, 280	58, 100
Ravalli	1, 145.00	6, 000.00		14, 280.00	2, 556	385, 000	Blaine	6, 124.68	4, 775.30		25, 827.53	2, 000	190, 300
McCone	1, 200.00	206.60		6, 043.61	120	38, 000	Flathead	6, 377.59	2, 113.15	441.50	61, 993.95	778	213, 452
Wheatland	1, 243.61	1, 064.71	222.96	3, 584.71	1, 280	9, 500	Judith Basin	6, 669.90	2, 023.83		12, 327.19	842	84, 515
Fallon	1, 363.39	467.74	34.68	4, 648.18	480	41, 000	Choteau	6, 700.00	1, 868.00		17, 065.00	860	202, 000
Liberty	1, 380.65	5, 416.84	159.22	10, 123.99	3, 725	30, 049	Pondera	7, 550.00	4, 165.00		12, 635.00	1, 260	158, 500
Judith Basin	1, 439.13	1, 551.63		2, 761.12	360	70, 180	Judith Basin	7, 662.00	1, 230.00	80.00	32, 534.00	1, 920	200, 400
Daniels	1, 479.50	1, 397.67	50.00	7, 589.99	800		Daniels	8, 078.40	5, 749.80	146.94	14, 284.24	1, 520	111, 950
Valley	1, 600.82	4, 019.60		10, 947.47	2, 240	30, 000	Pondera	8, 350.52	7, 947.79		12, 285.62	1, 985	208, 000
Yellowstone	1, 848.67	109.61		6, 830.02	187	89, 000	Pondera	8, 741.00	925.00	90.00	25, 865.00	1, 880	298, 000
Madison	1, 942.97	852.88		10, 303.68	220	78, 400	Richland	8, 890.86	537.78	33.90	13, 406.10	800	103, 600
Sheridan	1, 989.40	359.96	35.04	11, 054.51	2, 200	36, 000	Teton	8, 945.49	100.95	78.06	17, 768.59	1, 240	154, 500
Golden Valley	2, 078.00	925.48		4, 531.44	398	18, 000	Cascade	9, 531.40	8, 707.75	67.40	16, 185.47	1, 176	83, 343
Cascade	2, 156.14		218.90	8, 863.14	520	70, 400	Judith Basin	10, 802.06	6, 289.76		14, 723.59	1, 220	140, 600
Phillips	2, 216.89	102.18	49.99	4, 804.19	165	36, 000	Cascade	11, 025.98	1, 151.30	210.96	21, 808.99	1, 640	190, 000
Wibaux	2, 265.44	560.79		14, 510.18	200	47, 500	Hill	11, 921.75	4, 006.59	46.11	14, 728.91	1, 440	83, 988
Golden Valley	2, 268.00	1, 314.00		9, 024.00	1, 280	22, 220	Choteau	12, 433.98	4, 670.72		17, 871.42	1, 650	150, 000
Carbon	2, 337.97	158.94	84.60	5, 790.00	800	36, 500	Cascade	12, 955.20	545.31		28, 876.71	2, 008	125, 000
Glacier	2, 366.52	4, 993.19		23, 730.48	1, 681	245, 085	Golden Valley	16, 006.00	6, 433.00		30, 267.00	4, 034	247, 000
Wheatland	2, 645.53	1, 468.09		7, 719.97	560	78, 000	Madison	16, 381.67	7, 383.22		51, 186.42	8, 000	341, 000
Wibaux	2, 662.00	1, 703.00		8, 169.00	1, 280	133, 700	Hill	22, 084.52	14, 092.61		36, 150.26	4, 420	364, 700
							Toole	29, 218.77	14, 531.00	397.04	43, 833.81	3, 000	320, 000



August 31, 1965

# JUSTICE CHARLES E. WHITTAKER SPEAKS OUT ON "MASS DISOBEDIENCE ENDANGERS NATION"

Mr. HRUSKA. Mr. President, last week our colleague, a Senator from West Virginia (Mr. BYRD), delivered in this Chamber a very analytical and thoughtful discussion on "Contempt For Law and Order."

He pointed out, among other things, that some of the violent eruptions and disturbances which have occurred recently in various cities may be said to be a logical outgrowth, in part, of some leaders stating a belief that such violence is appropriate and that it is even desirable to disobey what they arbitrarily consider to be "bad" laws and to obey only those laws which they label "good" laws. In other words, "that it is morally right to resort to disobedience whenever a citizen's conscience tells him that a law is unjust."

Our West Virginia colleague appropriately quoted Supreme Court Justice Felix Frankfurter a couple of times. One of these passages is:

"If a man can be allowed to determine for himself what is law, every man can. That means first, chaos; then, tyranny."

At another point, Justice Frankfurter is quoted as having said:

Lawlessness, if not checked, is the precursor of anarchy.

Mr. President, I should like to quote from our colleague's speech to the following extent because it so well gets to the core of one of the Nation's most troublesome current problems. Senator BYRD stated, in part:

"Laws are made to be obeyed by all of the people all of the time. Respect for the law is the basis for orderly government and law-abiding and peace-loving citizens, regardless of race, need to rally around the police, who, too often, play a thankless role in riotous and difficult and dangerous situations . . . Peaceful assembly is protected by the Constitution and so is the right to petition the Government against grievances. But willful violation of the law—whether the law be municipal, State, or Federal—should not be tolerated."

The speech by Senator BYRD was constructive. It was wholesome.

The quotations from a former member of the Supreme Court were very much in order.

There has come to my attention an article written by former U.S. Justice Charles E. Whittaker, a onetime colleague of Justice Frankfurter. Justice Whittaker's article was entitled, "Mass Disobedience Endangers Nation." It was published in the Kansas City Star recently.

Since his retirement from the U.S. Supreme Court 3 years ago, Justice Whittaker has spent much of his time writing and speaking on the law. In the article mentioned, he sums up his philosophy on the importance of law and order. He writes from a very active and deep-rooted experience in the practice of the law and as a member of the bench.

A native of Kansas, he moved to Kansas City, Mo., where he got a law degree and where he practiced law for about 30

years. In 1954 President Eisenhower appointed him to the U.S. district court. Two years later, he was elevated to the U.S. Court of Appeals. In the following year President Eisenhower appointed him to the U.S. Supreme Court.

With this appointment, he was the only man on record to have been appointed to all three levels of the Federal judiciary—and all within a period of 3 years.

Severe reverses in his health forced his reluctant retirement. He has returned to Kansas City and since his retirement he has done work for the American Bar Association and has lectured widely.

The Kansas City Star has made a very constructive contribution to the thinking of the public at large on the subject at hand.

Mr. President, I ask unanimous consent that the article which appeared in the July 25 issue and referred to above be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

## MASS DISOBEDIENCE ENDANGERS NATION: MIDWESTERN PERSPECTIVE: A JURIST SPEAKS ON LAW OBSERVANCE

(By Justice Charles E. Whittaker)

Can any thoughtful person reasonably believe that a disorderly society can survive? In all recorded history, none ever has. On the contrary, history shows that every society which became lawless soon succumbed, and that the first evidences of each society's decay appeared in the toleration of disobedience of its laws and the judgment of its courts.

These are ancient and universal lessons. Yet, in recent times, all of us have daily seen and heard an ever-increasing number of accounts that show, with unmistakable clarity, the rapid spread of a planned course of lawlessness in our land that threatens seriously to get out of hand, and, hence, to destroy law and order.

While, of course, all of our crime is not due to any one cause, it can hardly be denied that a large part of our current rash and rapid spread of lawlessness has derived from planned and organized mass disrespect for, and defiance of, the law and the courts, induced by the irresponsible and inflammatory pronouncements of some self-appointed leaders of minority groups "to obey the good laws, but to violate the bad ones"—which, of course, simply advocates violation of the laws they do not like, or, in other words, the tailing of the law into their own hands.

### PEACEABLE PHRASE MISLEADS

And this is precisely what their followers have done and are doing—all under the banner of "peaceable civil disobedience," which their leaders have claimed to be protected by the peaceable-assembly-and-petition provisions of the first amendment to the U.S. Constitution.

In truth, that conduct is neither peaceable nor civil in nature, nor is it protected by the first amendment, as we shall see.

In furtherance of that philosophy, some of those leaders have incited their followers to assemble at a focal point, from far and wide—often, unfortunately, with the encouragement and physical support, and also frequently at the expense, of well-meaning but misguided church organizations—into large and loosely assembled groups, which at least resembled mobs, to wage what they call "demonstrations" to force the concession of what they demand as their rights in defiance of legal processes, the courts and all constituted authority.

Because of general familiarity with the pattern, only a word as to the nature of those demonstrations is needed. In the beginning they consisted of episodic group invasions and temporary appropriations of private stores, first by sitting down and later by lying down therein, and eventually by blocking the entrances thereto with their bodies—conduct which has always been known as criminal trespass.

### TRESPASS, THEN WORSE

Seeing that those trespasses were applauded by many, even in high places, and were generally not punished, but, rather, were compelled to be appeased and rewarded, those leaders and their incited groups quickly enlarged the scope of their activities by massing and marching on the sidewalks, streets, and highways—frequently blocking and appropriating them to a degree that precluded their intended public uses. And that conduct, too, being nearly always appeased, the pattern has rapidly spread, as one might expect, pretty generally throughout the land, even into our university campuses, and there is some recent evidence that it is now threatening to invade our military forces.

"Crime," says Webster, means: "Any act or omission forbidden by law and punishable upon conviction." It can hardly be denied that those trespasses violated at least the criminal-trespass laws of the jurisdictions involved, that these laws imposed penalties for their violation, and, hence, that those trespasses constituted "crimes."

In the first place, that conduct cannot honestly be termed "peaceable," for its avowed purposes was and is to force direct action outside the law, and hence was lawless, and, of course, inherently disturbing to the peace of others. One can hardly deny the truth of the statement written by Mr. Justice Black, joined by two other Justices, in June 1964, that "Force leads to violence, violence to mob conflicts, and these to rule by the strongest groups with control of the most deadly weapons."

### CRIMINAL, NOT CIVIL

In the second place, that conduct cannot honestly be termed "civil disobedience," for the simple reason that willful conduct violative of criminal laws is not civil, but is criminal disobedience.

And lastly, that conduct is not protected by the peaceable-assembly-and-petition provisions of the first amendment. That provision reads: "Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Surely, nothing in that language grants a license to any man, or group of men, to violate State criminal laws. Rather, as Mr. Justice Roberts wrote upon the subject in 1939, "the privilege of a citizen of the United States to use the streets and parks for communication of views on national questions must be regulated in the interest of all; it is not absolute, but is relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order."

Would not every thinking person also agree with the statement made very recently by the president of Yale University in a speech at Detroit, that the current rash of "demonstrations" makes "a ludicrous mockery of the democratic debating process?"

The pattern of forcing demands by mass or mob actions, outside the law and the courts, has proven—as certainly we should have expected—to be tailor made for infiltration, use and takeover by rabble rousers and Communists who are avowedly bent on the breakdown of law, order and morality of our society, and, hence, on its destruction.

### SOME ACT IN IGNORANCE

Even though those results may not have been contemplated, and surely were not wished, by those Americans who so advocated